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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/783,456 | 02/19/2004 | Daniel S. Sommerfeld | 11663-013 | 7780 |

7590 05/02/2008

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| EXAMINER | |
|---|---|
| LE, HUYEN D | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3751 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 05/02/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/783,456 | SOMMERFELD ET AL. | |
| | Examiner | Art Unit | |
| | Huyen Le | 3751 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *17 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *10-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Juaire et al (4,574,025).

The Juaire et al reference discloses a method of manufacturing wall panel 31 of a portable restroom comprising: applying heat to a first polymer sheet 10; pressing a first mold 17 into contact with the first polymer sheet 10; applying a vacuum to the first polymer sheet 10 and the first mold 17; forming a plurality of reinforcement ribs 21,22,23 in a surface of the first sheet (shown in Figs. 2, 4); applying heat to a second polymer sheet 11; pressing the second polymer sheet 11 into contact with a second mold 19 forming a “substantially smooth” central region without ribs over a “substantially flat surface” (the central door portion 31 of the bottom sheet 11 shown in Fig. 1 and Fig. 4); applying a vacuum to the second polymer sheet 11 and the second mold 19; and bringing first polymer sheet 10 into contact with the second polymer sheet 11 at the plurality of reinforcement ribs (the downwardly extending ribs between ribs 21 and 28 contacting and joining the bottom sheet and also contacting and joining at 29 as shown in Fig. 4) to knit the first polymer sheet with the second polymer sheet at the reinforcement ribs to form the wall panel 20 (col. 2, lines 53-60).

***Response to Arguments***

3. Applicant's arguments filed on 01/17/2008 with respect to claims 10-14 have been considered but not persuasive.

Applicant argues that Juaire panel does not form an inner or a second sheet having "substantially" smooth central region without ribs over "substantially" the entire length and width of the second polymer sheet. Applicant further argues Fig. 1 of Juaire shows only a cross-sectional view of the width and the length.

Examiner disagrees with applicant. The term "substantially" used in the claim is relative and not definite. The specification and drawings of the present invention fail to support the emphasis on no ribs over substantially the entire length and width of the second sheet. Fig. 3 of the present application shows that the second sheet 32 curves up and includes protrusions near the edge. Fig. 4 clearly shows the ribs at the top across substantially the entire width and the ribs at the bottom across the entire width. Essentially, the length of the panel 12 in Fig. 4 has ribs at the top and bottom. Figs 3 and 4 contradict the arguments. So the bottom sheet of Fig. 1 of Juaire, which shows a part of the second sheet 11 in the bottom mold 19 (forming the central door panel 31) having a "substantially" smooth central region without ribs over "substantially" the entire width and length, meet the limitation as claimed. Fig. 4 of Juaire also shows the bottom sheet (i.e. forming the central door panel 31 ) having a substantially smooth central region (the portion on the left at the bonding 29) without ribs over substantially the entire width and length as claimed.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is 571-272-4890. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Huyen Le/
Primary Examiner
Art Unit 3751

HL